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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

VIRGINIA SHUBERT, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, in his official capacity
as President of the United States,

Defendants.¹

NO. 4:07-CV-00693-JSW

**~~PROPOSED~~ ORDER VACATING
PRESERVATION ORDERS**

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Joseph R. Biden, in his official capacity as President of the United States, is automatically substituted as a defendant to this action as successor to former President Barack H. Obama; Gen. Paul M. Nakasone, in his official capacity as Director of the National Security Agency (“NSA”), is automatically substituted as a defendant to this action as successor to former NSA Director Lt. Gen. Keith B. Alexander, insofar as Gen. Alexander is sued in his official capacity; Merrick B. Garland, in his official capacity as Attorney General of the United States, is automatically substituted as a defendant to this action as successor to former Attorney General Eric H. Holder.

1 For the reasons given by the parties in their Stipulation of Dismissal filed September 8,
2 2023 ("Stipulation"), and to facilitate the resolution of this matter as contemplated therein,
3

4 IT IS HEREBY ORDERED THAT:

- 5 1. The Court's Order re: Preservation Issues (July 19, 2017) (ECF No. 151) and *In re*
6 *NSA Telecommunications Records Litig.*, No. 3:06-md-01791, Order (N.D. Cal. Nov.
7 6, 2007) (ECF No. 393) are hereby VACATED;
8 2. The Government is hereby relieved of any further preservation obligation in this
9 action and, for purposes of this action, is free to destroy the following data and
10 communications referenced in the parties' Stipulation:

11 (i) any remaining Internet communications metadata collected in bulk pursuant
12 to Presidential authorization;


13 (ii) any remaining telephony metadata collected in bulk pursuant to Presidential
14 authorization;

15 (iii) any remaining telephony metadata collected in bulk under FISA Section 501;

16 (iv) any remaining Internet communications collected pursuant to Presidential
17 authorization and remaining metadata about such communications; and

18 (v) any remaining communications acquired through FISC-authorized Section
19 702 Upstream collection on or before March 17, 2017.

20 So ORDERED this 11th day of September, 2023.
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24 _____
25 HON. JEFFREY S. WHITE
26 UNITED STATES DISTRICT JUDGE
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